

REASONS FOR ALLOWANCE

1. According to the Amendment, filed 09 December 2009, the status of the claims is as follows:

Claim 1 is currently amended;

Claims 2-5, 8, and 9 are previously presented; and

Claims 6 and 7 are cancelled.

2. The rejection to claims 1-5, 8, and 9 under 35 U.S.C. 101 as being directed to non-statutory subject matter are WITHDRAWN in view of the Amendment, filed 09 December 2009.

3. The 35 U.S.C. 112, second paragraph, rejections to claims 1-5, 8, and 9 are WITHDRAWN in view of the Amendment, filed 09 December 2009.

4. Claims 1-5, 8, and 9 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Applicant's arguments, see Remarks, pp. 4-5, filed 24 June 2009, with respect to the rejection of claims 1-5, 8, and 9 under 35 U.S.C. 103(a) as being Koyama et al, U.S. Patent No. 5,101,831 A, were considered, and were persuasive.

The prior art of record does not teach a method for determining sleep stages of an examinee, comprising the combination of the following steps: calculating a signal strength with a signal strength calculator obtained as a reciprocal of a coefficient obtained by gain-controlling the detected signals, the gain being set so that an amplitude of the output signals decreases when a peak value of the detected signals exceeds an upper limit threshold and the amplitude of the output signals increases

Art Unit: 3735

when the peak value of the detected signals is below a lower limit threshold; calculating a signal strength variance value that indicates variation of the calculated signal strength; and determining a sleep stage by using the signal strength variance value or a value derived from the signal strength variance value as an indicator value.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAVIN NATNITHITHADHA whose telephone number is (571)272-4732. The examiner can normally be reached on Monday-Friday, 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3735

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles A. Marmor, II/
Supervisory Patent Examiner
Art Unit 3735

/N. N./
Patent Examiner, Art Unit 3735
01/11/2010